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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/187,472 11/06/98 ALLINGTON R 17990-1-1

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EXAMINER

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ART UNIT

PAPER NUMBER

1761

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/187,472

Applicant(s)
Allington et al

Examiner
Drew Becker

Group Art Unit
1761



☒ Responsive to communication(s) filed on Mar 30, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-11, 56-58, and 62-79 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-11, 56-58, and 62-79 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Response to Amendment

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Objections

2. Claim 64 is objected to because of the following informalities: claim 64 is dependent upon itself. Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 70 is rejected under 35 U.S.C. 103(a) as being unpatentable over Camerini Porzi. (4849625)

Camerini Porzi teaches a method of roasting coffee beans comprising a photoemitter element (Figure 1, 1), a photodetector for monitoring the color of the beans during roasting (Figure 1, 2), a colorimeter which produces an output signal equivalent to desired color (Figure 1, 7; column 4, line 17), and a comparator which ends the roasting when the signals from the colorimeter and

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photodetector are equal (column 4, lines 22-26). Although not specifically recited, it would have been obvious to one of ordinary skill in the art that the desired color or darkness level of Camerini Porzi inherently possesses a desired aroma since both are properties of fully roasted coffee beans.

5. Claims 1-3, 10, 71-72, and 78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Camerini Porzi as cited above, in view of Tidland et al [Pat. No. 5,958,494].

Camerini Porzi teaches the above mentioned concepts. Camerini Porzi does not teach controlling the temperature or pressure parameters, removing substantially all pollutants from the roasting air followed by exhausting a portion of the filtered air into the surrounding room, and recycling the remainder back into the roaster. Tidland et al teach a method of roasting comprising removing pollutants from the exhaust (column 2, line 29), recycling the filtered air (column 2, line 28), infrared sensors which monitor the heat within the roaster (column 3, line 47), pressure sensors which monitor the air flow and detect blockages (column 3, line 59), mixing the filtered air with cool ambient air (column 2, line 51), and discharging the remainder of the filtered air tot the surrounding room (column 2, line 40). It would have been obvious to one of ordinary skill in the art to incorporate the exhaust system of Tidland et al into the invention of Camerini Porzi since Tidland et al teach that this makes the roasting system more energy efficient (column 2, line 44) and hence decreases the cost of operating the roaster. It would have been obvious to one of ordinary skill in the art to incorporate the pressure and temperature sensors of Tidland et al into the method of Camerini Porzi since temperature and air flow conditions are very important to

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roasting operations as taught by Tidland et al (column 3, line 44 to column 4, line 5) and since Camerini Porzi already teaches controlling the roasting operation by monitoring and controlling other parameters (ie color and darkness).

6. Claim 79 is rejected under 35 U.S.C. 103(a) as being unpatentable over Camerini Porzi as cited above, in view of Grubbs et al [Pat. No. 4,110,485].

Camerini Porzi teaches the above mentioned concepts. Camerini Porzi does not teach the use of a laser beam with a wavelength of 600-800 nm. Grubbs et al teach a method of evaluating coffee bean color comprising the use of a helium-neon gas laser with a wavelength of 632.8 nm (column 7, lines 41-46). It would have been obvious to one of ordinary skill in the art to incorporate the laser of Grubbs et al into the invention of Camerini Porzi since Grubbs et al teach that the laser light source has only a single wavelength and therefore is simpler to calibrate (column 8, lines 30-36) and since both methods are directed to the color evaluation of coffee beans.

7. Claims 9, 11, 62-64, and 77 are rejected under 35 U.S.C. 103(a) as being unpatentable over Camerini Porzi and Tidland et al as applied to claims 70 and 71 above, in view of Valle et al [Pat. No. 5,918,589].

Camerini Porzi and Tidland et al teach the above mentioned concepts. Camerini Porzi and Tidland et al do not teach cooling the filtered air before venting it to the surrounding room. Valle et al teach a method of roasting foods comprising mixing cool ambient air with filtered exhaust air before venting the mixture to the surrounding room (column 2, lines 55-64). It would have

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been obvious to one of ordinary skill in the art to incorporate the cooling of Valle et al into the invention of Camerini Porzi since Valle et al teach the advantages of venting exhaust air lacking smoke particles, moisture, and high temperatures to the surrounding room in order to improve the work environment for the roaster operator (column 2, lines 55-64).

8. Claims 7-8 and 75-76 are rejected under 35 U.S.C. 103(a) as being unpatentable over Camerini Porzi and Tidland et al as applied to claims 1 and 71 above, in view of Gell Jr [Pat. No. 4,494,314].

Camerini Porzi and Tidland et al teach the above mentioned concepts. Camerini Porzi and Tidland et al do not teach a multiplicity of different product types. Gell Jr teaches a coffee roaster with settings for multiple types of beans and roasting levels (column 4, line 61 to column 5, line 19). It would have been obvious to one of ordinary skill in the art to incorporate the multiple setting and roasting levels of Gell Jr into the invention of Camerini Porzi since Gell Jr teaches that coffee beans come in different sizes and densities which can effect the roasting time (column 5, line 10) and since consumers have varying tastes in coffee.

9. Claims 4-6 and 73-74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Camerini Porzi and Tidland et al as applied to claims 1 and 71 above, in view of Grubbs et al. Camerini Porzi, Tidland et al, and Grubbs et al teach the above mentioned concepts. Camerini Porzi, Tidland et al, and Grubbs et al are combined for the above mentioned reasons and also since they are all directed to methods of roasting coffee beans.

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10. Claims 68-69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Camerini Porzi, Tidland et al, and Valle et al as applied to claim 62 above, in view of Gell Jr.

Camerini Porzi, Tidland et al, Valle et al, and Grubbs et al teach the above mentioned concepts.

Camerini Porzi, Tidland et al, Valle et al, and Grubbs et al are combined for the above mentioned reasons and also since they are all directed to methods of roasting.

11. Claims 65-67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Camerini Porzi, Tidland et al, and Valle et al as applied to claim 62 above, in view of Grubbs et al.

Camerini Porzi, Tidland et al, Valle et al, and Grubbs et al teach the above mentioned concepts.

Camerini Porzi, Tidland et al, Valle et al, and Grubbs et al are combined for the above mentioned reasons and since they are all directed to methods of roasting.

12. Claim 56 is rejected under 35 U.S.C. 103(a) as being unpatentable over Camerini Porzi in view of Tidland et al, Grubbs et al, and Valle et al as cited above, in view of Scher et al [Pat. No. 5,062,066].

Camerini Porzi, Tidland et al, Valle et al, and Grubbs et al teach the above mentioned concepts.

Camerini Porzi, Tidland et al, Valle et al, and Grubbs et al do not teach controlling multiple roasting machines at different locations. Scher et al teach a control system for roasting

comprising multiple roasters (column 3, line 15) and monitoring the color of the product

(column 5, line 16). It would have been obvious to one of ordinary skill in the art to control

multiple roasters as taught by Scher et al with the invention of Camerini Porzi since Camerini

Porzi teaches a remote processing unit which is located a distance away from the roaster

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(column 3, line 63) and since multiple roasters would create more diversified products and reduce waiting time. It would have been obvious to one of ordinary skill in the art to combine the teachings of Camerini Porzi, Tidland et al, Valle et al, and Scher et al since they are all directed to methods of roasting food products.

13. Claims 57 is rejected under 35 U.S.C. 103(a) as being unpatentable over Camerini Porzi, Tidland et al, Scher et al, Grubbs et al, and Valle et al as applied to claim 56 above, in view of Helbling [Pat. No. 5,158,793].

Camerini Porzi, Tidland et al, Grubbs et al, Valle et al, and Scher et al teach the above mentioned concepts. Camerini Porzi, Tidland et al, Grubbs et al, Valle et al, and Scher et al do not teach a step of keeping an inventory and generating a low inventory signal. Helbling teaches a method of making coffee including a weight sensor which detects when a station is empty and generates an “empty” signal (column 7, line 54). It would have been obvious to one of ordinary skill in the art to incorporate the weight control system of Helbling into the invention of Camerini Porzi since this would be an effective means of maintaining a constant rate of roasting by eliminating any stoppages in the process due to an empty supply bin. It would have been obvious to one of ordinary skill in the art to combine the teachings of Camerini Porzi, Tidland et al, Valle et al and Helbling since they are all directed to methods of roasting food products.

14. Claim 58 is rejected under 35 U.S.C. 103(a) as being unpatentable over Camerini Porzi, Tidland et al, Grubbs et al, Scher et al, and Valle et al as applied to claim 57 above, in view of Gell Jr.

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Camerini Porzi, Tidland et al, Grubbs et al, Scher et al, Valle et al, and Gell Jr teach the above mentioned concepts. Camerini Porzi, Tidland et al, Grubbs et al, Scher et al, Valle et al, and Gell Jr are combined for the above mentioned reasons and also since they are all directed to methods of roasting food products.

Response to Arguments

15. Applicant's arguments with respect to claims 1-11, 56-58, and 62-79 have been considered but are moot in view of the new ground(s) of rejection.

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hansen [Pat. No. 5,690,018] teaches a method of roasting which includes cooling the exhaust air with cool ambient air (abstract).

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Drew Becker whose telephone number is (703)-305-0300. The examiner can normally be reached on Monday-Thursday from 7:00 am to 4:00 pm and every other Friday from 7:00 am to 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gabrielle Brouillette, can be reached on (703)-308-0756. The fax number for this Group is (703)-305-3602.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0651.

Drew Becker

April 5, 2000

A handwritten signature in black ink, appearing to read 'KH' followed by a stylized flourish.

**KEITH HENDRICKS
PRIMARY EXAMINER**